

REMARKS

I. Status

The Office Action indicates claims 17, 18, 21-32, and 46-56 to be pending in this Application.

Claims 17, 18, 21, 22, 24, 26-32, 46-49, 51, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler (U.S. Patent No. 6,741,288) in view of Bryant (U.S. Patent No. 5,652,615).

Claims 23 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Bryant and Levitan (U.S. Pub. No. 2002/0147769).

Claims 25 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Bryant and Park (U.S. Patent No. 6,724,981).

Claims 17, 30-32, and 46 are independent.

II. Rejection of Independent Claims 17, 30-32, and 46 under 35 U.S.C. 103

The Office Action rejects claims 17, 30-32, and 46 under 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Bryant.

However, the Applicant respectfully submits that Kessler and Bryant, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... transmitting a service having a control channel ... in accordance with a first configuration parameter of the service stored by an end user terminal ...”

as set forth in each of claims 17, 30, and 31 (emphasis added).

As another example, Kessler and Bryant, taken individually or in combination, fail to disclose, teach, or suggest:

“... receiving a service having a control channel ... in accordance with a first configuration parameter of the service stored by an end user terminal ...”

as set forth in each of claims 32 and 46 (emphasis added).

The Office Action, apparently equating the “service” of the claims with the program of Kessler and apparently equating the “control channel” of the claims with the system control data of Kessler, seems to contend that the above-quoted of the claims is disclosed via Kessler’s discussion of the packet identifier (PID) of Kessler.

However, even taking the Office Action’s equations to be valid for the sake of argument, the Applicant respectfully disagrees with the Office Action’s contention for at least the reason that Kessler and Bryant, taken individually or in combination, fail, for instance, to disclose, teach, or suggest transmitting or receiving the entire program of Kessler in accordance with a single PID of Kessler, and instead merely discuss:

“[e]ach program includes several series of packets (‘elementary streams’), including content data (video data, audio data, foreign language audio data, etc.) and system control data. Each packet includes a Packet Identifier (PID) which uniquely specifies the stream to which it belongs. For example, the stream of packets carrying the video data for a specific program would each have a specific PID, the stream of packets carrying the English audio for that program would each have another specific PID, etc.” (see Kessler col. 3 ln. 33-41; emphasis added).

As an additional example, Kessler and Bryant, taken individually or in combination, fail to disclose, teach, or suggest:

“... transmitting a second configuration parameter to the end user ... the second configuration parameter identifying the control channel with ...”

as set forth in each of claims 17 and 30 (emphasis added).

As a further example, Kessler and Bryant, taken individually or in combination, fail to disclose, teach, or suggest:

“... generating a second configuration parameter to the end user ... the second configuration parameter identifying the control channel with ...”

as set forth in claim 31 (emphasis added).

As another example, Kessler and Bryant, taken individually or in combination, fail to disclose, teach, or suggest:

“... receiving a second configuration parameter ... the second configuration parameter identifying the control channel with ...”

as set forth in each of claims 32 and 46 (emphasis added).

The Office Action, stating “subsequent system control data transmitted in updated PMT version,” seems to contend that the above-quoted of the claims is disclosed by Kessler.

However, the Applicant respectfully disagrees for at least the reason that Kessler and Bryant, taken individually or in combination, fail, for instance, to disclose, teach, or suggest that the system control data of Kessler is transmitted in the PMT of Kessler as apparently indicated by the Office Action, and instead merely discuss the system control data of Kessler to be part of the program of Kessler:

“[e]ach program includes several series of packets ('elementary streams'), including content data (video data, audio data, foreign language audio data, etc.) and system control data”
(see Kessler col. 3 ln. 33-36; emphasis added),

with the PMT of Kessler being transmitted independently of the program of Kessler:

“[t]he patInfo pointer points to the starting address in the RAM memory 26 for MPEG control structure 46. This includes control information from the PAT and MPTs such as version number, a summary of each section, and

information needed to decode the list of all program numbers and PMT packet identifiers (PIDs)”
(see Kessler col. 5 ln. 47-52).

As an additional example, Kessler and Bryant, taken individually or in combination, fail to disclose, teach, or suggest:

“... transmitting the service to the end user terminal over ...”

as set forth in each of claims 17, 30, and 31 (emphasis added).

As a further example, Kessler and Bryant, taken individually or in combination, fail to disclose, teach, or suggest:

“... accessing the service over ...”

as set forth in each of claims 32 and 46 (emphasis added).

The Office Action seems to contend that the above-quoted of the claims is disclosed among column 8 lines 33-67 and column 3 lines 26-50 of Kessler.

However, the Applicant respectfully observes, for example, that cited column 8 lines 33-67 of Kessler instead merely discuss database update and table receipt:

“[a]t stage 318, the MPEG control structure is updated with the data contained in the recently received PAT section. It is then determined at stage 320 if the transport stream identifier (TSID) contained in the recently received PAT section is equal to the TSID stored in the existing transport dbEntry. If so, the method proceeds to decode section 360. If not, the method removes the current transport dbEntry from database 28, creates a new transport dbEntry with the TSID from the recently received PAT section, and sends a database progress update, as indicated at stages 322, 324, and 326”
(see Kessler col. 8 ln. 50-60; emphasis added).

The Applicant respectfully observes, as another example, that cited column 3 lines 26-50 of Kessler instead merely discuss digital television receiver 10 of Kessler:

“[t]uner 12 receives commands from a control module 18 to tune to a specific RF frequency containing a desired digital television signal including a transport stream transmitted

according to MPEG standards. Tuner 12 then supplies the desired transport stream to a demultiplexer 16”
(see Kessler col. 3 ln. 26-30).

In view of at least the foregoing, the Applicant respectfully submits that claims 17, 30-32, and 46, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claim Rejections

The Applicant does not believe it is necessary at this time to further address the rejections of the dependent claims as the Applicant believes that the foregoing places the independent claims in condition for allowance. The Applicant, however, reserves the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

The Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

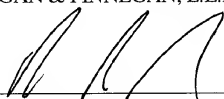
The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4060.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:



Angus R. Gill
Registration No. 51,133

Dated: October 6, 2008

Mailing Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700
(212) 415-8701 (Fax)